

REMARKS (Amended)

Claims 44-45 and 61-62 are pending in the application but stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For the reasons set forth below, reconsideration of the application is respectfully requested.

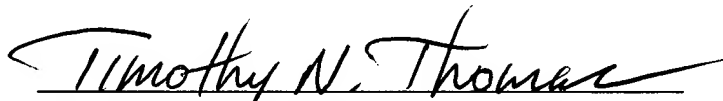
Claims 44 and 61 have been amended to replace the prior language “be displaced freely” with the current language “move freely” so that the language of the claims matches the language of the specification, namely at paragraph 72 of the published application, which is the first complete paragraph on page 23 of the specification as filed, (and subsequent paragraphs). The amended claims are believed to particularly point out and distinctly claim patentable subject matter, particularly in view of the description in the specification as filed, which describes the workings and benefits of ensuring that the overlay elements can move freely relative to the strip surface.

As discussed in the patent specification, the spreading material can form a fold over the test field in unfavourable cases if the test strip which is usually flexible is subjected to bending during use. That wrinkling may impair the distribution of the reagent sample over the test field. This wrinkling can be avoided when the overlay of the spreading material is composed of one or several flat-shaped overlay elements which are attached to the flexible test strip in such a way that at least a part of their surface can move freely relative to the surface of the object covered by this part in the direction of curvature produced when the object is bent. This preferred manner of attaching an overlay element of the overlay according to the invention to the flexible object may be carried out, for example, by using at least one, and preferably at least two, attachment

points which are in a connected surface area (attachment region) of the overlay element which extends between the edges of the overlay element lying in the direction of curvature and whose boundary to the freely movable part of the overlay element is essentially a straight line and at right angles to the direction of curvature.

In view of the above, it is respectfully submitted that the amended claims are free of the vagueness and/or indefiniteness issues that were raised against the prior claim language; and that the pending application is now in condition for allowance. Favorable reconsideration is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Timothy N. Thomas". The signature is written in dark ink and is positioned above a horizontal line.

Timothy N. Thomas, Esq.

Reg. No. 35,714

Woodard, Emhardt, Moriarty, McNett & Henry LLP

111 Monument Circle, Suite 3700

Indianapolis, IN 46204-5137

(317) 634-3456 Telephone

(317) 637-7561 Facsimile

tnt@uspatent.com